

ORIGINAL

Perkins Mountain Utility Company SW-20379A-05-0489
Perkins Mountain Water Company W-20380A-05-0490



0000061716

William Mundell

From: Earl Kemp [earlkemp@citlink.net]
Sent: Tuesday, September 26, 2006 7:14 AM
To: Jan Emming; William Mundell; Kristin Mayes; Byers, Pete; Johnson, Buster; Sockwell, Tom; Terry Kemp
Subject: Re: William Mundell, ACC Commissioner, responds to Supervisor Byers' charges in Miner

06

William Mundell, you're my hero. Jan Emming, thanks for passing this along.

If you remember parts of our conversation following the ACC meeting in Kingman, you might remember my concern that Golden Valley has NO representation on the Board of Supervisors (Sockwell specifically included) and consistently gets the dirty end of the stick rammed at it.

No amount of attempted input from the citizens of Golden Valley appears to ever get past Byers and Sockwell runs in the direction Byers indicates only.

As I told you in Kingman, you are GV's only hope of any form of relief from Byers and the Board of Supervisors.

When I first read Byers' outrageous approval of Rhodes across the board, and especially his very ill-considered comments in the Minor, I could not believe he possesses such a lack of personal shame and embarrassment.

A recall would not be nearly enough to pay him back for his negative actions.

Thank you, William, for me and for all the downtrodden, overtaxed, and unrepresented citizens of Golden Valley, for your response to Byers in the Miner.

Good luck doing the right thing.

Best,
Earl Kemp
earlkemp@citlink.net

Jan Emming wrote:

>
> *William Mundell, Arizona Corporation Commissioner, responds to the
> accusations made by** Pete** Byers**, Mohave County Supervisor, on
> the** ***singling out*** of Rhodes and the** ***sending water from
> Mohave County down to Maricopa County*** charges.*
>
> *I wonder if** Pete** Byers** will issue a retraction or an apology
> for his semi-paranoid,** inflammatory** statements? This does not**
> reflect** well upon him, or our local Good Ol*** Boy network way of
> doing things***.*
>
> *
> _____*
>
> * [http://www.kingmandailyminer.com/main.asp?SectionID=4&SubSectionID=4](http://www.kingmandailyminer.com/main.asp?SectionID=4&SubSectionID=4&ArticleID=10372)
> &ArticleID=10372_*
> <[http://www.kingmandailyminer.com/main.asp?SectionID=4&SubSectionID=4&](http://www.kingmandailyminer.com/main.asp?SectionID=4&SubSectionID=4&ArticleID=10372)
> ArticleID=10372>
>
> *9/25/2006 11:56:00 AM *
>
> *Back off Byers! We're just doing o**u**r jobs*
>
> *William Mundell*
> ACC Commissioner
>

AZ CORP COMMISSION
DOCUMENT CONTROL

2006 SEP 27 A 9:56

RECEIVED

Arizona Corporation Commission
DOCKETED

SEP 27 2006

DOCKETED BY [Signature]

> Earlier this month, Mohave County Supervisor Pete Byers wrote a guest
> column entitled "Big cities look to tap county water" in the Miner.
> That article not only contained a number of falsehoods but also
> revealed Supervisor Byers' fundamental misunderstanding of how the
> Arizona Corporation Commission operates.
>
> The commission is a separate and independent branch of Arizona
> government created by the Arizona Constitution. It is not part of the
> legislative branch, the executive branch or the judiciary. The
> Department of Water Resources is a part of the executive branch and
> its director is appointed by, and serves at the pleasure of, the
> governor. The commissioners are elected statewide and answer to the
> people of Arizona.
>
> The commission performs its duties much differently than the
> Legislature, a board of supervisors, or a city council. It is
> quasi-judicial - meaning the commissioners are like judges. Our
> decisions are based on the evidence that has been admitted at a
> hearing under oath and has been subjected to cross-examination. We
> make our decisions based on the evidence, not what some lobbyist says.
> Furthermore, once a matter is set for hearing, we are prohibited from
> discussing the merits of a case with one party outside the presence of
> the others. The commission takes its compliance with that prohibition
> very seriously. This is to ensure that the decision-making process is
> open and transparent, preventing any "back-room deals."
>
> Supervisor Byers also mischaracterized the commission's scrutiny of
> Rhodes Homes. Perkins Mountain Water Company, a subsidiary of Rhodes
> Homes, has applied for a certificate of convenience and necessity from
> the commission. If granted, a CC&N would give the company the
> exclusive right to provide water service in the certificated area.
> This commission will make its decision to grant a CC&N or not based on
> the facts of the case. The availability of an adequate supply of
> ground water for the development at Golden Valley, along with other
> issues, has been raised.
>
> As to the supervisor's allegations that the commission has singled out
> this developer for heightened scrutiny, that is preposterous. No other
> applications have been filed at the commission for a CC&N in that
> area. Because no other "large project in Mohave County" has even filed
> for a CC&N, Supervisor Byers' statement that one has gone "through
> like greased lightning" is obviously a complete and outright
> falsehood. Supervisor Byers needs to check the facts himself before
> making such an outlandish statement. Any application for a CC&N in an
> area where there may be an inadequate supply of water will be
> thoroughly scrutinized - just as they have been in the past in other
> parts of the state, including Maricopa County. The Rhodes/Perkins case
> is no different.
>
> The reason for our concern is that the commission has seen the
> difficulties that frequent outages inflict on the customers of a water
> company without an adequate supply of water. There are some systems
> where lack of water has necessitated the imposition of a moratorium on
> all new water meter installation. That means that no one can hook up
> to the system. You can build a house in the area, but you cannot get
> water service from the utility. You can imagine the frustration of
> someone who discovers this fact after purchasing property in the area.
> Our responsibility is to make sure that not only does the first
> customer have adequate water, but so does the 160,000th customer.
>
> Supervisor Byers' assertion that we are closely scrutinizing
> Rhodes/Perkins so that Maricopa County can have the water instead of
> Mohave County is false and utterly ridiculous. If the commissioners
> were not public officials, that statement would be libelous. That
> allegation was made to inflame and mislead the people of Mohave
> County. This case has nothing to do with taking water from Mohave
> County and transferring it to Maricopa County. If Perkins' application

> for a CC&N were denied, the water would not then go to Maricopa
> County; it would remain where it is for use in Mohave County.

>
> As I stated before, the commission is a statewide office. We represent
> the entire state - including the people of Mohave County. We have been
> to Mohave County and Kingman numerous times to hear from the people on
> a variety of issues. We do not just sit in our offices in Phoenix; we
> actually go out to the communities impacted by our decisions, whether
> they are in Kingman, Nogales, Yuma, or any other part of this fine
> state. This practice was begun when I was chairman and we continued
> it. We would be remiss in our duties if we had not taken an interest
> in the Rhodes/Perkins development. All the commissioners are doing the
> job we were elected to do, i.e., asking tough questions of very
> powerful people and making sure that the public interest is protected.
> My colleagues and I have not yet taken a position on this case because
> we have not heard all the facts. At this stage, we are merely asking
> questions. After we have listened to and evaluated all the evidence
> admitted at the hearing, we shall strive to render a thoughtful and
> well-reasoned decision.

>
> For the record, I am term-limited and not up for election this year.